Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada

Winter 2006

NWT Plain Talk

On Land and Self-government

Akaitcho Interim Land Withdrawals: Making space to negotiate

Imagine for a moment you are a First Nation negotiating a land, resources and governance agreement with the federal and territorial governments, a process that can take many years to complete. Imagine how frustrating it might be to watch the land and resources you might want in your agreement being leased, sold or developed while you negotiate.

Now, imagine you are with a small mining company looking to stake mineral claims in an area that is also the traditional territory of this same First Nation. You know it is probably more acceptable for you to stake in some areas than others, but without concrete information, you aren't sure where to focus your efforts.

In both these scenarios, a process called "Interim Land Withdrawals" can provide reassurance and clarity in the short-term and help make progress towards the longer-term certainty that will come with an agreement that covers land, resources and governance.

When lands are temporarily protected through an Interim Land Withdrawal in the Northwest Territories, the governments of Canada and the NWT formally ensure that no further land dispositions, such as land sales or leases, are permitted in the identified areas for a specified period of time. This is an important step in negotiations because it allows the parties to focus on reaching an overall agreement while having the assurance that lands remain available to include in that agreement.

The latest negotiation to undertake this process of interim land withdrawal is the one involving the Akaitcho Dene First Nations. The Akaitcho Dene First Nations represent Dene from around Great Slave Lake (known to the Akaitcho as *Tu Cho*), including the communities of Deninu Kue (Fort Resolution); Lutsel K'e, Ndilo and Dettah. They signed a Framework Agreement with the Government of Canada and the Government of the Northwest Territories on July 25, 2000, one hundred years after the making of treaty. An Interim Measures Agreement was signed in 2001. They have been working on an Agreement-in-Principle since that time.

The long-term goal of the negotiations between the Akaitcho Dene First Nations, the Government of Canada and the Government of the NWT is an Akaitcho Agreement that lays out new arrangements for land, resources and governance in the Akaitcho's traditional territory. In the meantime, Interim Land Withdrawals give the parties reassurance that certain areas of lands are protected while negotiations continue.

Recognizing that dealing with land dispositions on a case-by-case basis as they came up was distracting from their Agreement-in-Principle negotiations, the three parties decided that they wanted to put interim land withdrawals in place. On November 21, 2005 they signed a Protocol to guide this process.

The Akaitcho, the Government of Canada and the Government of the NWT each have a role to play in determining which lands will be withdrawn. Each has brought its interests to the table and they are now negotiating withdrawal packages for

continued on page 2

The purpose of our newsletter is to keep you informed on the progress of land and self-government negotiations in the Northwest Territories, and to provide some answers to frequently asked questions. We also feature the people and communities involved in negotiations, celebrate milestones, and announce upcoming events. On behalf of the Department of Indian Affairs and Northern Development (DIAND), we hope you will find our newsletter informative and easy to read.

In this issue...

Akaitcho Interim Land Withdrawals

NWT Boards Share Land, Water, and Resource Information

Profiles:
Rick Bennett
Bob Simpson

Translating Northern Development: Yellowknife Youth Forum on the Mackenzie Gas Project

On the Web

Our Vision

Got something to tell us?

NWT Boards Share Land, Water, and Resource Information

How important is "information sharing" to you? Have you ever been a part of a group that has benefited from discussions with other like-minded organizations? Here in the Northwest Territories, members from the various resource co-management/public boards do just that. The NWT Board Forum provides a way for boards to discuss important issues affecting their land, water and resources. The NWT Board Forum is made up of the Chairs of the:

- NWT resource management and environment assessment boards created under the *Mackenzie Valley Resource Management Act* (MVRMA);
- NWT co-management boards under the Inuvialuit Final Agreement (IFA);
- *NWT Waters Act* (NWTWA);
- Associate Regional Director General of DIAND NWT Region;
- Deputy Minister for Environment and Natural Resources of the Government of the Northwest Territories, and;
- National Energy Board.

As land claims are settled, new co-management boards/institutions of public government are added.

Members of the NWT Board Forum meet annually to share information with one another on various resource and environmental issues of common interest. The purpose of the NWT Board Forum meetings is to give the various boards a chance to learn from one another about resource management issues, and to discuss new initiatives that Boards and/or government are undertaking to support the regulatory system in the NWT. When all of the boards share information with each other and learn new ways to strategize and plan, each board is better equipped to make decisions and plan the future of their land and resources.

A collaborative approach across boards also cuts down on some of the costs of resource management. By sharing certain initiatives, human resources, technology and training and developmental opportunities, individual boards can cut down on the amount of time they spend on one particular issue.

The Gwich'in Land and Water Board hosted the October 2005 NWT Board Forum meeting in Inuvik. The next NWT Board Forum meeting is scheduled for the spring of 2006.

The NWT Board Forum has been meeting since April 2004. The Board Forum's third meeting was held in October, 2005, and some highlights of this Forum include the following:

- The Mackenzie Valley Environmental Review Board announced that the Traditional Knowledge Guidelines were published and available. These guidelines provide advice on how to incorporate Traditional Knowledge into the Environmental Assessment process, and they are intended for practitioners and developers.
- DIAND's Acting Director of Mineral and Petroleum Development Directorate, Malcolm Robb, provided a forecast of the NWT's resource development for oil and gas and minerals to all the boards. Robb explained the trends and development patterns over the next few years with examples of the prospecting permits and exploration information.

The next NWT Board Forum meeting will be held this spring.

continued from page 1

The Akaitcho Dene First Nations represent Dene from around Great Slave Lake (Tu Cho), including the communities of Deninu Kue (Fort Resolution); Lutsel K'e, Ndilo and Dettah.

Crown lands (federal) and Commissioner's lands (territorial). Once these negotiations are complete, the Government of Canada and the Government of the NWT will take steps to formally withdraw the lands from further land sales, leases or other dispositions for a period of five years. Once the withdrawals are official, they will be made public.

Activities on lands that are not withdrawn will continue to be guided by current legislation and regulations, as well as any Interim Measures Agreements that apply in that area.

Though no new dispositions will be permitted on the withdrawn lands from that point on, any existing interests at the date of withdrawal will not be affected. This includes lands held in fee simple, rights-of-way and easements, licences and permits, recorded mineral claims and leases.

Profile: Rick Bennett

Chief Negotiator for the Gwich'in Tribal Council

Rick Bennett is happy to be back in the Beaufort-Delta region of the Northwest Territories after being away for a dozen years. Rick was recently appointed as the Chief Self-Government Negotiator for the Gwich'in Tribal Council in November 2005.

Rick looks forward to working quickly towards a Final Self-Government Agreement with the Gwich'in First Nations. "Sometimes," he says, "when there is a sense of urgency to things, then you can get some momentum and then progress can happen fairly quickly. For example, with the possibility of a pipeline being built in the Beaufort-Delta region, I think it would be important to see the Final Agreement and the Gwich'in government in place before that development begins."

Rick notes that a lot of groundwork has been done on self-government, and that Karen Snowshoe and others in the Gwich'in Tribal Council Self-Government program have been doing a good deal of community consultation over the last 18 months in the four Gwich'in communities.

Rick has worked with a variety of Aboriginal groups in a number of different careers since 1985. In the 1980s and early 1990s, Rick was a band manager at two British Columbia reserves, Skeetchestn and Bonaparte (both in the Kamloops, BC area). In between these two positions, Rick lived in Inuvik for two years working for the Government of the Northwest Territories Department of Municipal and Community Affairs. That experience allowed him to travel to most of the communities in the Beaufort-Delta, and Rick said it gave him a good grounding in the realities of what community government is all about.

In 1996, Aboriginal law sparked Rick's interest and he went back to university to become a lawyer. After university, Rick practised law for three years in Vancouver before moving to Yellowknife to work with the Government of the Northwest Territories as an assistant negotiator on the Métis and also Akaitcho land claim and self-government tables.

With Rick's new job, he believes his biggest challenge will be working with the other negotiators to arrive at a structure of government in the Beaufort-Delta that provides a new sense of balance between the new Gwich'in government and the territorial and federal governments.

Rick is originally from Vancouver. When Rick isn't working, he enjoys travelling, reading good literature, creative writing and playing guitar.

Profile: Bob Simpson

Chief Negotiator for the Inuvialuit Regional Corporation

Bob Simpson has made the Northwest Territories his home for over 30 years. Right out of high school, Bob travelled from his home town of Comox, BC, to Yellowknife for work. Thirty-five years later, Bob still hasn't left the North, and he has an abundance of Northern work experience.

While living in a variety of NWT communities (Yellowknife, Inuvik, Fort McPherson, Tsiigehtchic and Sachs Harbour), Bob has worked in several small business operations, as a community and Aboriginal government administrator, as a land claim and self-government negotiator, and also as a resource management consultant.

Last year, Bob Simpson was appointed as the Chief Self-Government Negotiator for the Inuvialuit Regional Corporation. He has worked on the Beaufort-Delta Self-Government file for almost 10 years as Chief Negotiator for both the Inuvialuit and the Gwich'in and he dedicates his time towards extensive community consultations, community development and capacity building.

Bob's interest in the negotiation of Aboriginal rights agreements goes back to the early 1980s. He was involved in creating the Gwich'in Tribal Council and the negotiation of an overlap agreement with the Inuvialuit and the preparation of documentation of the Gwich'in's Land Use and Occupancy. In 1982, he was involved in the negotiation of the Basis of Agreement for Land Use Planning in the Northwest Territories. As a result of those negotiations, the Beaufort-Delta Land Use Planning Commission was established, and then Bob took part in the preparation of the land use plan in his capacity as Executive Director for the Tribal Council.

Working at a territorial level Bob assisted in the development of resource management systems for the Dene/Métis Negotiation Secretariat during devolution and land claim negotiations, and as a Gwich'in representative to the health devolution process. As a negotiator for the Gwich'in Tribal Council, Bob's primary responsibilities were the resource management, implementation and self-government provisions of the Gwich'in Comprehensive Land Claim Agreement. After the completion of the Gwich'in Agreement he was instrumental in the establishment of public co-management boards and the drafting of the *Mackenzie Valley Resource Management Act*. In addition, Bob served on the Constitutional Development Working Group drafting of a constitution for the Northwest Territories prior to division.

Bob Simpson currently resides in Inuvik, and when he isn't working on self-government, he is busy as the acting Regional Co-ordinator for the Beaufort-Delta Regional Council. Bob also continues to participate in devolution and resource revenue sharing after he served as the Lead Negotiator for the Aboriginal Summit.

Translating Northern Development:
Yellowknife Youth Forum on the Mackenzie Gas Project

This past winter, 23 high school students from various communities across the Northwest Territories came to Yellowknife for a week-long Youth Forum on the Mackenzie Gas Project. The Forum gave students the opportunity to learn more about the project through various speakers, by asking questions, and by job shadowing with different government departments and agencies that are involved with the project.

Two students, Ernestine Champlain from Wha Ti and Paul Kinard from Inuvik, were paired up with DIAND to learn more about how the Department is involved in the Mackenzie Gas Project. The students spent two days with staff from DIAND's Pipeline Readiness Office, and gathered information to take back to their schools, family and communities.

Many people in the North speak Aboriginal languages, and some older community members count on translators to explain important issues to them. For example, Ernestine Champlain speaks three languages (an older form of Dogrib, a modern version of Dogrib, and English); however, her parents do not speak much English. Ernestine said that attending conferences like the Youth Forum is an important way for her to keep up-to-date with the project, so that she can then go back to her home and translate all of the new information to her parents.

Ernestine Champlain (Wha Ti Mac Community School) and Paul Kinard (Inuvik Samuel Hearne Secondary School) were chosen for the Youth Forum by their high school teachers.

Having important information available for people in Aboriginal languages, is a very important part of doing business in the North. With all of the new Northern development and changes, providing translated information to Aboriginal communities keeps the communities involved in those changes. And it is very important that youth are involved in those changes too!

The Youth Forum gave NWT youth a chance to be involved in the Mackenzie Gas Project, and to meet some of the faces behind the big names. Paul Kinard commented, "I thought the conference was very well organized. I'm glad I was able to be part of it. The highlight of the conference for me, was when Stephen Kakfwi came and sang a couple of his songs for us. That was amazing."

On the Web

Government of Canada programs and services
Government of Canada site:
www.gc.ca

DIAND
Northwest Territories Region site:
nwt.inac.gc.ca

Youthbuzz on the NWT:
nwt.inac.gc.ca/Youthbuzz

Agreements
Indian and Northern Affairs Canada site:
inac.gc.ca/pr/agr/index_e.html

Plain Talk *on the web*
Indian and Northern Affairs Canada site:
nwt.inac.gc.ca/pt_e.htm

OUR VISION

The NWT region of DIAND is a respected partner in a strong and healthy Northwest Territories.

We strive for:

- respectful, effective relationships with Aboriginal people;
- creating and enhancing opportunities for all Northerners;
- responsible resource development in healthy ecosystems;
- northern control over northern resources;
- responsive and accountable northern government as partners; and
- national initiatives that reflect the interests of all Northerners.

Here's who to contact:

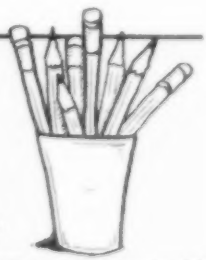
Leah Laxdal
DIAND Communications
PO Box 1500, Yellowknife, NT X1A 2R3
Phone: (867) 669-2576 Fax: (867) 669-2715
e-mail: laxdall@inac.gc.ca

Published under the authority of the Minister of Indian Affairs and Northern Development, Ottawa, 2006. 1-800-567-9604. TTY only 1-866-553-0554.

Print version:
QS-Y137-055-EE-A1 ISSN 1708-0002
Electronic version: nwt.inac.gc.ca/pt_e.htm
QS-Y137-055-EE-A1 ISSN 1708-0010

© Minister of Public Works and Government Services Canada

Cette publication peut aussi être obtenue en français sous le titre *TN-O Franc parler Territoire et autonomie gouvernementale*



Plain Talk on Land and Self-government is produced by the Department of Indian Affairs and Northern Development in the NWT to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. It is not a legal document.